

## TITLE 22. EDUCATION

### PART I. STATE BOARD OF EDUCATION

#### CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT

##### GENERAL PROVISIONS

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##### § 4.4. General policies.

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(e) The Department will provide support to school districts, **[and]** AVTSs **and charter schools, including cyber charter schools,** in developing educational programs that enable students to attain academic standards under § 4.12. Department support will include:

(1) Establishment of a voluntary model curriculum and diagnostic supports aligned with State academic standards in each of the content areas assessed by the Keystone Exams under § 4.51(f) (relating to State assessment system).

(2) Assistance in the development of effective student tutoring, remediation and extended instructional time programs.

(3) Opportunities for continuing professional education designed to improve instruction in each of the content areas assessed by the Keystone Exams under § 4.51(f).

(4) Technical guidance **[to school districts and AVTSs (including charter schools)]** in developing local assessments that meet the requirements of **[§ 4.24(b)(1)(iv)(B)]** **§ 4.24(b)(1)(iii)(B)**, upon request.

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## CURRICULUM AND INSTRUCTION

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### § 4.24. High school graduation requirements.

(a) *Requirements through the [2013-2014] 2015-2016 school year.* Each school district, AVTS and charter school, including a cyber charter school, shall specify requirements for graduation in the strategic plan under § 4.13 (relating to strategic plans). Requirements through the [2013-2014] 2015-2016 school year must include course completion and grades, completion of a culminating project, results of local assessments aligned with the academic standards and a demonstration of proficiency in Reading, Writing and Mathematics on either the State assessments administered in grade 11 or 12 or local ~~[assessment]~~ assessments aligned with academic standards and State assessments under § 4.52 (relating to local assessment system) at the proficient level or better to graduate. The purpose of the culminating project is to assure that students are able to apply, analyze, synthesize and evaluate information and communicate significant knowledge and understanding.

(b) *Requirements beginning in the [2014-2015] 2016-2017 school year.*

(1) *General.* Beginning in the [2014-2015] 2016-2017 school year, each school district, ~~[and]~~ AVTS and charter school, ~~[(including a cyber charter [schools] school,~~ shall specify requirements for high school graduation in the strategic plan under § 4.13 that, at minimum, include:

(i) Course completion and grades.

All additions and deletions are highlighted in **Bold** type  
**[bracketed items]** are deletions  
**underscoring items** are additions

**[(ii) Completion of a culminating project in one or more areas of concentrated study under the guidance and direction of the high school faculty. The purpose of the project, which may include research, writing, completion of a college application or some other appropriate form of demonstration, is to assure that the student is able to apply, analyze, synthesize and evaluate information and communicate significant knowledge and understanding. Projects may be undertaken by individual students or groups of students.]**

**[(iii)] (ii) Demonstration of proficiency as determined by the school district, [or] AVTS or charter school, [(including cyber charter schools)], in each of the State academic standards not assessed by a State assessment under § 4.51 (relating to State assessment system).**

**[(iv)] (iii) Demonstration of proficiency or above in each of the following State academic standards: [Reading, Writing] English Language Arts and Mathematics (Appendix A); Science and Technology and Environment and Ecology (Appendix B), as determined through any one or a combination of the following:**

**(A) [Successful completion] Completion of secondary level coursework in [English Composition, Literature] English Language Arts, Algebra I and Biology in which a student demonstrates proficiency on the associated Keystone Exam. [serves as the course final exam. A student's Keystone Exam score shall count as one-third of the final course grade. A school district or AVTS (including a charter school) may, at its discretion, elect to have the Keystone Exam count for more than one-third of the course grade.] A school district, [or] AVTS or charter school, [(including a cyber charter school)], at its discretion, may allow [students] a student who [score] scores at the advanced level on a particular**

Keystone Exam prior to taking the course to be granted course credit for the course without having to complete the course.

(B) Locally approved and administered[, **independently validated**] assessments, **which** shall be independently and objectively validated once every 6 years in conjunction with submission of the school district's strategic plan, as provided in § 4.13. Local assessments may be designed to include a variety of assessment strategies listed in § 4.52(e) and may include the use of one or more Keystone Exams. Except for replacement of individual test items that have a similar level of difficulty, a new validation is required for any material changes to the assessment. Validated local assessments must meet the following standards:

(I) Alignment with the following State academic standards: **[Reading, Writing] English Language Arts [(Literature and Composition)]**; Mathematics (Algebra I), Science and Technology and Environment and Ecology (Biology).

(II) Performance level expectations and descriptors that describe the level of performance required to achieve proficiency comparable to that used for the Keystone Exams.

(III) Administration of the local assessment to all students, as a requirement for graduation, except for those exempted by their individualized education program under subsection (e), regarding special education students, or gifted individualized education plan as provided in § 16.32 (relating to GIEP).

(IV) Subject to appropriations provided by law, the cost to validate local assessments shall be evenly divided between the school district, **[or] AVTS or charter school, [(including a cyber charter school,)]** and the Department. If the Department does not provide

sufficient funding to meet its share, local assessments submitted for validation shall be deemed valid for the balance of the strategic plan period until either a new or mid-point update to the strategic plan is due to the Department.

(V) The Department will establish a list of entities approved to perform independent validations of local assessments in consultation with the local assessment validation advisory committee as provided in § 4.52(g).

(VI) School boards shall only approve assessments that have been determined to meet the requirements of this subsection by an approved entity performing the independent validation. If a school district, **[or] AVTS or charter school**, **[(including a cyber charter school)]** uses a local assessment that has not been independently validated, the Secretary will direct the district to discontinue its use until the local assessment is approved through independent validation by an approved entity.

(C) **Completion of an** Advanced **[placement] Placement exam** or **[international baccalaureate] International Baccalaureate [exams] exam** that **[include] includes** academic content comparable to the appropriate Keystone Exam at a score established by the Secretary to be comparable to the proficient level on the appropriate Keystone Exam. **[Successful completion of an advanced placement course and test may be used for one or more of the courses required for graduation without the student being required to take the related Keystone Exam. Successful completion of an international baccalaureate program and tests may be used for one or more of the courses required for graduation without the student being required to take the related Keystone Exam or local assessment.]**

**[(c) Requirements beginning in the 2016-2017 school year. Effective with the 2016-2017 school year, History and Civics and Government (Appendix C) are added to the academic standards listed in subsection (b)(1)(iv) regarding requirements beginning in the 2014-2015 school year. Requirements listed in subsection (b)(1)(iv)(A) must include a determination of proficiency in both English Composition and Literature; two of three Mathematics (Algebra I, Geometry, Algebra II), one of two Sciences (Biology or Chemistry), and one of three Social Studies (American History, Civics and Government or World History).]**

**[(d)] (c) Strategic plan.** Each school district, **AVTS and charter school**, including a **cyber** charter school, shall describe in its strategic plan under § 4.13 how its planned instruction is designed to prepare students to meet the requirements of subsections (a) and (b).

**[(e)] (d) Special education students.** Children with disabilities who satisfactorily complete a special education program developed by an Individualized Education Program team under the Individuals with Disabilities Education Act and this part shall be granted and issued a regular high school diploma by the school district of residence. This subsection applies if the special education program of a child with a disability does not otherwise meet the requirements of this chapter.

**[(f)] (e) Demonstration of proficiency.** For purposes of this section, **[students] a student** shall be deemed proficient in the State-assessed standards whenever **[they] the student** **[demonstrate] demonstrates** proficiency through any of the options in subsection **[(b)(1)(iv)] (b)(1)(iii)**, regardless of the student's grade level or age.

[(g)] (f) *Transcripts*. Beginning in the 2003-2004 school year, PSSA scores in each assessed discipline, and beginning in the [2014-2015] 2016-2017 school year, the performance level demonstrated on each Keystone Exam or validated local assessment [scores], shall be included on student transcripts and may be released only with the permission of the student and parent or guardian, or the student only if the student is 18 years of age or older.

[(h)] (g) *Release of scores*. This section does not allow for the release of individual student PSSA or Keystone Exam scores to the Department or other Commonwealth entities in accordance with § 4.51(c).

[(i)] (h) *Supplemental instruction*. Beginning in the 2011-2012 school year, a student who does not demonstrate proficiency [in any of the ten courses] on a Keystone Exam or a locally validated [assessments] assessment specified in [subsections] subsection (b) [and (c)] shall be offered supplemental instructional support by the student's school [entity] district, AVTS or charter school, including cyber charter schools. The supplemental instructional support must assist the student to attain proficiency in the State academic standards.

[(j)] (i) *Waivers*. The Secretary may waive one or more provisions of this section on a case-by-case basis for good cause. Waivers will be based upon receipt of a written request from the chief school administrator. Waivers may be granted to accommodate [students] a student who [experience] experiences extenuating circumstances (including serious illness, death in immediate family, family emergency[, or frequent transfers in schools[, or transfer from an out-of-State school in 12th grade]).

(j) *Out-of-state transfers.* A student who transfers from an out-of-state school having demonstrated proficiency on an assessment congruent with the academic standards assessed by each Keystone Exam may satisfy the requirements of subsection (b), subject to guidelines developed by the Secretary.

(k) *Transition.* To effect successful transition between requirements outlined in subsections (a) and (b) regarding requirements through the [2013-2014] 2015-2016 school year and requirements beginning in the [2014-2015] 2016-2017 school year, [students] a student who will graduate in the [2014-2015] 2016-2017 school year or thereafter, who successfully [complete] completes courses with academic content assessed under subsection (b) [or (c)], regarding [requirements beginning in the 2014-2015 school year, and] requirements beginning in the 2016-2017 school year, for which Keystone Exams or local validated assessments were not available at the time the course was completed, shall be deemed proficient for purposes of this section.

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## ASSESSMENT

### § 4.51. State assessment system.

(a) The State assessment system shall be designed to serve the following purposes:

(1) Provide students, parents, educators and citizens with an understanding of student and school performance consistent with the No Child Left Behind Act of 2001 (Pub. L. No. 107-110, 115 Stat. 1425).



(2) Determine the degree to which school programs enable students to attain proficiency of academic standards under § 4.12 (relating to academic standards).

(3) Provide results to school entities for consideration in the development of strategic plans under § 4.13 (relating to strategic plans).

(4) Provide information to State policymakers including the General Assembly and the Board on how effective schools are in promoting and demonstrating student proficiency of academic standards.

(5) Provide information to the general public on school performance.

(6) Provide results to school entities based upon the aggregate performance of all students, for students with an Individualized Education Program (IEP) and for those without an IEP.

(b) All PSSA instruments administered in Reading, Writing and Mathematics in grades 5, 8 and 11 will be standards-based and criterion referenced and include essay or open-ended response items in addition to other item formats. The proportion of type of items will vary by grade level. Neither State assessments nor academic standards under § 4.12 may require students to hold or express particular attitudes, values or beliefs. The Department will make samples of assessment questions, instrument formats and scoring guides available to the public after each administration of State assessments. The criteria for judging performance on State assessments are as follows:

(1) Performance on PSSA reading assessments shall be demonstrated by students' responses to comprehension questions about age-appropriate reading passages and by their written responses to in-depth comprehension questions about the passages.

(2) Performance on PSSA mathematics assessments shall be demonstrated by students' responses to questions about grade-appropriate content and by the quality of their responses to questions that require a written solution to a problem.

(3) Performance on PSSA writing assessments shall be demonstrated by the quality of students' written compositions on a variety of topics and modes of writing.

(4) Performance on PSSA science assessments shall be demonstrated by students' responses to grade appropriate content and by the quality of their responses to questions that demonstrate knowledge of each category of the standards for science and technology and environment and ecology.

(5) Levels of proficiency shall be advanced, proficient, basic and below basic. In consultation with educators, students, parents and citizens, the Department will develop and recommend to the Board for its approval specific criteria for advanced, proficient, basic and below basic levels of performance.

(c) The Department will develop or cause to be developed PSSA assessments based on academic standards in Mathematics, Reading, Writing and Science under § 4.12 and contained in Appendix A. In developing assessments, the Department will consult with educators, students, parents and citizens regarding the specific methods of assessment. To ensure that information regarding student performance is available to parents and teachers, State assessments developed

under this section must include student names. Individual test results shall be used in planning instruction only by parents, teachers, administrators and guidance counselors with a need to know based upon local board policy on testing and in reporting academic progress. The Department or other Commonwealth entities are prohibited from collecting individual student test scores, and may only collect aggregate test scores by school and district.

(d) The State assessments shall be administered annually and include assessments of the State academic standards in Mathematics and Reading at grades 3—8 and 11; in Writing at grades 5, 8 and 11; and in Science at grades 4, 8 and 11.

(e) Students not achieving at the proficient level in the administration of State assessments in grade 11 shall be provided one additional opportunity in grade 12 to demonstrate a proficient level on the PSSA assessments.

(f) The Department will develop or cause to be developed Keystone Exams as follows:

(1) [**Three assessments**] One assessment aligned with the Mathematics standards, contained in Appendix A, that [assess] assesses the academic content traditionally included in Algebra I[, **Algebra II and Geometry**] courses.

(2) [**Two assessments**] One assessment aligned with select [**Reading, Writing, Speaking and Listening**] English Language Arts standards, contained in Appendix A, that [assess] assesses academic content traditionally included in high school literature [**and composition**] courses.

[(3) **Three assessments aligned with select History and Civics and Government standards, contained in Appendix C, that assess content traditionally included in high school level American History, World History and Civics and Government courses.]**

[(4)] **(3) [Two assessments] One assessment** aligned with select standards for Science and Technology and Environment and Ecology, contained in Appendix B, that **[assess] assesses** academic content traditionally included in high school level Biology **[and Chemistry]** courses.

[(5)] **(4) [If a] Keystone [Exam] Exams [is offered as a graduation requirement, it]** shall be offered at least 3 times each year: once each in the fall, spring and summer. Keystone Exams shall be administered, reviewed and scored so that the scores for candidates for graduation are provided to schools no later than 10 calendar days prior to graduation. A school district, **[or] AVTS or charter school, [(including a cyber charter school,)]** may request that the Department approve alternative test administration and scoring time frames. The Department will publish guidelines and procedures for approving alternative test administration and scoring time frames on its web site. The guidelines will provide for approval of all requests unless the approval is contrary to standards of test validity and scoring.

[(6)] **(5) [Students] A student** shall be permitted to retake any Keystone Exam, or Keystone Exam module, in which the student did not score proficient or above at the next available testing date, **so long as the student has participated in a satisfactory manner in supplemental instruction as provided under §§ 4.24(h) and 4.51(f)(7) (relating to supplemental instruction).**

[(7)] **(6)** Each Keystone Exam will be designed in modules that reflect distinct, related academic content that is common to the traditional progression of coursework to allow students who do not score proficient or above to retake those portions of the test in which they did not score proficient or above.

**(7) A student taking Keystone Exams, or Keystone Exam modules, through grade 11 who did not score proficient on any Keystone Exam, or Keystone Exam module, shall be provided supplemental instruction by the student's school district, AVTS or charter school, including a cyber charter school, until such time as the student can demonstrate proficiency in the subject area.**

**[(8) Keystone Exams shall be scored on a 100-point scale. When used to determine proficiency to meet high school graduation requirements, a Keystone Exam shall count for one-third of the final course grade. A Keystone Exam may be counted for more than one-third of the final course grade at the sole election of the school district or AVTS (including a charter school). A student must score advanced, proficient or basic on a Keystone Exam to receive points from the exam toward a final course grade.]**

**[(9)] (8)** Levels of proficiency on Keystone Exams shall be set at the advanced, proficient, basic and below basic levels. In consultation with the Performance Level Advisory Committee, the Department will develop and recommend to the Board for its approval, performance level descriptors and performance level cut scores for the Keystone Exams and any alternative assessments developed to assess students with disabilities as permitted by the No Child Left Behind Act of 2001 (Pub. L. No. 107-110, 115 Stat. 1425). The Department will use widely-accepted psychometric procedures to establish the cut scores. Cut scores shall be

presented at a public meeting of the Board for its review at least 2 weeks prior to scheduled Board action on the cut scores.

[(10)] (9) The Department will provide guidance to school [entities] districts, AVTSs and charter schools, including cyber charter schools, as to the appropriate accommodations school entities shall provide to students with disabilities, students who are gifted and English language learners, when appropriate.

[(11) **Keystone Exams in the following subjects will be developed by the Department and will be made available for voluntary use by school districts and AVTSs (including charter schools) in accordance with the following schedule:**

**School Year 2010-11 Algebra I**

**Literature**

**Biology**

**Fall 2011**

**English Composition**

**Algebra II**

**Fall 2012**

**Geometry**

**United States History**

**Fall 2016**

**Chemistry**

**Civics and Government**

**World History]**

[(12)] **(10)** The Department will seek to have the Keystone Exams **[system]** approved as the high school level single accountability system under the No Child Left Behind Act of 2001. Upon approval by the United States Department of Education, the Algebra I and Literature exams will be used to determine adequate yearly progress at the high school level. The Biology Keystone Exam will be used as the high school level science assessment, which is not a factor in determining adequate yearly progress. If the Keystone **[Exam system receives]** **Exams receive** approval as the high school level accountability measure, school districts and AVTSs (including charter schools) shall administer the Literature, Algebra I and Biology exams as end-of-course tests in the grade level in which students complete the relevant coursework.

[(13)] **(11)** The 11<sup>th</sup> grade PSSA exams in Reading, Writing, Math and Science shall be discontinued upon implementation of the Keystone Exams as the approved assessment system under section 1111(b)(2)(C) of the No Child Left Behind Act of 2001 (20 U.S.C.A. § 6311(b)(2)(C)).

(g) The Board will authorize the expansion of the State assessment system through a revision of this chapter.

(h) The Department will implement provisions for security of the State assessment system, including the following provisions:

(1) Action by a professional employee or commissioned officer that is willfully designed to divulge test questions, falsify student scores or in some other fashion compromise the integrity of the State assessment system as determined by the school entity shall be subject to disciplinary action under the Professional Educator Discipline Act (24 P.S. §§ 2070.1a—2070.18a).

(2) Cheating by students or employees other than those covered in paragraph (1) shall be subject to disciplinary action by the school district.

(3) Cheating or breaches of assessment security shall be reported to the Secretary as soon as detected.

(i) The Secretary has the authority to establish guidelines for the administration of the State assessment system.

(j) The Secretary will report each September to the Board and the General Assembly information and pertinent data relating to the State assessment system. The Secretary will also provide each school entity information and pertinent data for the school entity and its students.

(k) Children with disabilities and children with limited English proficiency shall be included in the State assessment system as required by Federal law, with appropriate accommodations, when necessary. As appropriate, the Commonwealth will develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in the State assessment as determined by each child's Individualized Education Program team under the Individuals with Disabilities Education Act and this part.

(l) The Department will establish a State Assessment Validation Advisory Committee (Committee). The Committee shall advise the Department on its plans to conduct the validity study and review and provide feedback on its findings. The Department and the Committee will investigate the use of a certificate based on industry approved standards and performance on a NOCTI exam as an alternative pathway to graduation and will make a report and recommendation to the Board by January 10, 2011.



(m) At least once every 5 years, the Department will contract with a qualified, independent research organization to perform a validity study of the Keystone Exams using generally accepted education research standards. These studies will determine, at a minimum, the degree to which the Keystone Exams and performance level cut scores are valid for the purposes for which they are used; aligned with State academic standards; aligned with performance levels of other states; internationally benchmarked; and predict college and career success. In addition, all Keystone Exams, performance level descriptors and cut scores will be subject to the best available forms of content, criterion and consequential validation.

**[(n) If a student is unable to meet the requirements in § 4.24(b)(1)(iv)(A) (relating to high school graduation requirements), the student may supplement a Keystone Exam score through satisfactory completion of a project-based assessment as provided in subsection (o). Points earned through satisfactory performance on one or more project modules related to the Keystone Exam module or modules on which the student scored below proficient shall be added to the student's highest Keystone Exam score. The total shall count as one-third of a student's final course grade, as provided in subsection (f)(8).]**

**[(o)] (n) Project-based assessment.** The Department **[will]** shall develop a project-based assessment system that is aligned with the modules for each **[of the ten]** Keystone **[Exams]** Exam for students in grade 12 who are unable to demonstrate proficiency on a Keystone Exam or Keystone Exam module.

**(1)** The project-based assessment system shall be administered by schools and scored by **[regional]** statewide panels composed of teachers, principals and curriculum specialists

assembled by the Department. The **[regional]** statewide review panels shall score student projects according to scoring protocols and rubrics developed by the Department.

**(2) [Students] A student in grade 12 who has not demonstrated proficiency on a Keystone Exam or Keystone Exam module** may qualify to participate in one or more project-based assessments if the student has met all of the following conditions:

**[(1)] (i)** Has taken the course.

**[(2)] Was unsuccessful in achieving a score of proficient on the Keystone Exam after at least two attempts.**

**[(3)] (ii)** Has met the school district's, AVTSs or charter school's, including cyber charter school's, attendance requirements **[for the course]**.

**[(4)] (iii)** Has participated in a satisfactory manner in supplemental instructional services provided by the school district, AVTS or charter school, including cyber charter school, as provided under §§ 4.24(h) and 4.51(f)(7) (relating to supplemental instruction).

**(3) Successful completion of a project-based assessment aligned to the Keystone Exam or Keystone Exam module on which a student did not demonstrate proficiency shall satisfy the requirements in § 4.24(b)(1)(iii)(A) (relating to high school graduation).**

**(o) Emergency Waiver. The Secretary may waive the requirements in § 4.24(b)(1)(iii)(A) (relating to high school graduation) on a case-by-case basis for good cause for a student in grade 12 who was not successful in completing a project-based assessment as provided in subsection (n).**

(1) Emergency waivers will be based upon receipt of a written request from the chief school administrator. The waiver request shall certify that the student meets the following criteria:

(i) Has met the school district's, AVTS's or charter school's, including cyber charter school's, local requirements for graduation.

(ii) Has not demonstrated proficiency on a Keystone Exam or Keystone Exam module.

(iii) Has participated in a satisfactory manner in supplemental instructional services provided by the school district, AVTS or charter school, including cyber charter school, as provided under §§ 4.24(h) and 4.51(f)(7)(relating to supplemental instruction).

(iv) Has not successfully completed a project-based assessment aligned to the Keystone Exam or Keystone Exam module on which the student did not demonstrate proficiency.

(2) Emergency waiver requests shall be reviewed by the Department so that waiver determinations for candidates for graduation are provided to schools no later than 10 calendar days prior to graduation.

(3) If a chief school administrator requests emergency waivers for more than 10 percent of students in a school district, AVTS or charter school, including cyber charter school, who participated in a project-based assessment under subsection (n) aligned to the same Keystone Exam content, the chief school administrator shall submit an action plan

for approval by the Secretary. The plan shall identify improvements the school district, AVTS or charter school, including cyber charter school, will implement to each course associated with the Keystone Exam content for which the waivers were requested.

**§ 4.52. Local assessment system.**

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(h) The Department will establish a Local Assessment Validation Advisory Committee. The Committee will develop the criteria for the local validation process and criteria for selection of approved validation entities as provided in [**§ 4.24(b)(1)(iv)(B)**] **§ 4.24(b)(1)(iii)(B)** (relating to high school graduation requirements). The Department, in consultation with the Committee, will establish a list of entities approved to perform independent validations of local assessments. The Committee will submit its recommendations for approval or disapproval to the Board. The Department will post the approved criteria, selection criteria and list of approved entities on its web site.